UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1216
18 September 1997

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE 1216th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 4 August 1997, at 3 p.m.

Chairman: Mr. BANTON

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GE.97-17664 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5)

Eleventh and twelfth periodic reports of Algeria (CERD/C/281/Add.3)

1. At the invitation of the Chairman, Mr. Dembri, Mr. Soualem and Mr. Hassaïe (Algeria) took seats at the Committee table.

2. Mr. DEMBRI (Algeria), introducing the eleventh and twelfth periodic reports of Algeria, consolidated in a single document, said that Algeria's presence testified to its commitment to the principles of equality and solidarity, justice and progress, tolerance and mutual respect in the harmonious interplay of cultures and civilizations - all of which had been affirmed in the first Constitution of independent Algeria, in September 1963, in which, even before the United Nations Declaration in November 1963 and the Convention in November 1965, the country had undertaken to combat all forms of discrimination, including racial and religious discrimination. After 132 years under the colonial yoke, dispossessed and marginalized, the Algerian people had moved to the forefront in the struggle for national liberation, the elimination of all forms of discrimination and the realization of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It was therefore completely natural that Algeria, defined as a land of freedom and dignity in the Constitution of November 1993, should subscribe without reservation to the Convention, which it incorporated into domestic law with the same status as most of the other international human rights instruments, and that it should make the declaration under article 14 of the Convention.

3. In its previous reports, from 1992 and 1995, Algeria had pointed to the changes to the Constitution and the law, aimed at ensuring equality, social justice and solidarity and at responding, regardless of political vicissitudes, to the basic needs of the citizen by guaranteeing him the enjoyment of fundamental rights. It had first proved necessary to reduce the imbalances inherited from the colonial regime by respecting regional priorities in the remotest parts of the country. Thus, the Trans-Saharan Highway had been built, several thousand kilometres long, along with the "Green Barrier" to combat desertification, among numerous other works of infrastructure.

4. Similarly, it had been logical for Algerian society in 1989 to replace the single-party regime with a political and economic system characterized by pluralism and a market economy as the driving forces behind social change, through individual initiative and civil society, thereby prefiguring the major upheavals that had followed the end of the cold war.

5. The affirmation of the primacy of law led in 1992 to the establishment of the National Human Rights Commission (ONDH), an independent body in touch with the people. That enormous effort to promote human rights was nonetheless facing forces of destruction, terrorist violence and extremism which, under the pretext of religion, was the cause of many murders. The national recovery effort following the National Conference of 1994 was aimed at preserving the balance in Algerian society.

6. In bringing President Liamine Zeroual to power in 1995, in the first multi-party presidential elections in its history, Algeria had reaffirmed the rule of law and the principles proclaimed in the Universal Declaration of Human Rights, including equal rights and freedoms without any discrimination on the grounds of birth, race, sex, opinion or any other personal or social status or circumstance, an idea which is also to be found in article 29 of the revised Constitution of 1996. Keen to promote a new social dynamic, the country had committed itself to concrete action based on the separation of powers, checks and balances, mediation and remedies. It had sought to enhance the value of the component parts of the national personality, while eliminating once and for all simplistic anachronisms, exploitation and, generally, all obstacles to the development of the individual and to everyone's effective participation in political, economic, social and cultural life. The free choice of the Algerian people, who had just elected the first multi-party National People's Assembly, was evidence of the development of the democratic process in Algeria, combined with a collective commitment to realizing the ideals of justice, freedom and peace worldwide.

7. Mrs. SADIQ ALI (Country Rapporteur) said she had listened with interest to Mr. Dembri's presentation of the situation in his country. Recalling the Committee's concluding observations after the consideration of Algeria's tenth periodic report (CERD/C/209/Add.4) in 1993 (CERD/C/SR.962, 963 and 983), and again in 1994, she said the Algerian Constitution of 1989 envisaged a transition towards a pluralist republic, but the democratization process had been suspended in 1992, when the army had forced President Chadli to resign and had cancelled the second round of parliamentary elections, which the Islamic Salvation Front (FIS) had been poised to win, and had installed a High State Committee, which had banned the FIS and jailed most of its leaders. The cancellation of the 1992 elections had escalated the fighting between the security forces and armed Islamist groups seeking to overthrow the Government and impose an Islamic State. According to a United States report of January 1997, there was reason to hold the security forces responsible for extrajudicial killings, disappearances, torture, arbitrary arrests and other practices against persons suspected of being involved with armed Islamist groups, while the judiciary's authority had been restricted by unconstitutional executive decrees and the people's freedoms had been flouted. Armed Islamists had stepped up their insurgency since the cancellation of the 1992 elections, targeting government officials and families of security service members as well as political and religious figures and others.

8. The powerful FIS had promised an end to rampant corruption, reconstruction of the economy and social justice for the legions of unemployed and disadvantaged. However, the collapse of that movement after being outlawed in March 1992 had led to the emergence of the Armed Islamic Group (GIA), whose leader, Antar Zouabri, had reportedly been killed in July 1997.

9. In 1994, a National Transitional Council had been appointed with the support of the armed forces and, after his election in 1995, President Zeroual had begun a new dialogue with the political class and organized a referendum in November 1996 to amend the Constitution. Under the new Constitution, the President's powers were limited to ruling by decree in special circumstances and in some cases to vetoing Acts of Parliament. It banned religious parties

(seven political parties had been banned for failing to abide by that law), even though Islam was the State religion, and it established a proportional, bicameral system of representation, with one third of the second chamber members being appointed by the Head of State. The opposition viewed that chamber as a way of blocking the activities of the National Assembly, which was itself elected by universal suffrage. By presidential decision, political parties would henceforth need official approval from the Ministry of the Interior and must have 25 founders from across Algeria.

10. On 5 June 1997, 40 parties had fielded 380 candidates for the parliamentary elections, which would be followed by local and municipal elections. Following the June elections, which were monitored by United Nations observers, a coalition cabinet had been formed and included Islamic moderates. The two main Islamic parties had participated in the elections, which had been followed in July by the release of two FIS leaders, Abassi Madani and Kader Hakhami, although a third, Ali Benhadi, was still in prison.

11. Political pluralism and respect for the Constitution and the laws of the Republic were encouraged, and a new, "moderate" national police had been created. President Zeroual was still grappling with terrorism, which was destroying any hope of real economic progress, and his strategy was to turn Algeria into an authentic pluralistic democracy while at the same time weakening the FIS, which he had not yet succeeded in doing, as the constant carnage showed.

12. Contrary to article 1 of the Convention, the definition of racial discrimination appearing in article 28 of the Algerian Constitution did not mention "colour, descent or ethnic origin". Would it be possible for the Government to include those terms when the Constitution was next amended? A representative of Algeria had told the General Assembly that collection of information on ethnic origins of peoples was contrary to Islamic ethics (A/40/18, para. 19). However, it was essential to have demographic data on the ethnic origins of peoples if racial discrimination was to be eliminated.

13. With regard to article 1, paragraph 2, of the Convention, the Office of the United Nations High Commissioner for Refugees (UNHCR) had reported in March 1996 that it had signed a tripartite agreement with Algeria and Niger in Niamey with a view to repatriating the Niger refugees in Algeria and integrating them socially and economically in Niger. What progress had been made? Were there any Niger refugees still in Algeria? Similarly, the President of Mali had tried to convince Malians of Tuareg or Moorish origin living as refugees in Algeria to return home, now that peace had been restored there. What had been the result? According to Amnesty International, Moroccan soldiers who had fled to Algeria had subsequently been repatriated. Had their fears of being tortured upon return to their country been taken into account by the Algerian authorities?

14. In connection with ethnic minorities, she wished to know what was meant by the "clans" who, according to the newspaper El Watan (editorial in January 1996), had put their weight behind certain ministers. In which regions did the Mozabites and Tuaregs reside, and what were their numbers? The rigorous conditions in the Sahara had led to a division of the population

into settled cultivators, who occupied the oases, and nomadic pastoralists. Were they two different ethnic groups? What were the tribes on the edge of the Sahara? Algeria also recognized its Berber culture, although it believed that "the written language was not sufficiently structured for it to be taught in schools" (A/48/18, para. 77). Why had it taken so long to make it a living language? In December 1990, the National Assembly had decided that, after 1997, Arabic would become the official language and that the use of French and Berber by private companies and political parties would be subject to heavy fines. What was the Government's position on the subject? It appeared that Berber had been recognized as one of the foundations of Algerian identity, together with Arabic and Islam, in which case the Government should be congratulated, but clarification was nonetheless needed on the status of the Berber population.

15. In paragraph 61 of its tenth periodic report, Algeria had stated that all laws and regulations of a colonial or discriminatory nature had been abrogated. With regard to article 2.1 (c) of the Convention, had the Government felt the need in the post-independence period to amend or rescind any laws or regulations which had the effect of creating or perpetuating racial discrimination? As to article 2.1 (e), if the Algerian people could theoretically be described as homogeneous (para. 63 of the tenth periodic report), the reality was quite different, with Christians, Jews, Africans and Berbers coexisting, sometimes uneasily. If organizations could be formed to encourage a better understanding and interaction among those groups it would lead naturally to national integration, especially after the Islamist turmoil the country had been going through.

16. In relation to article 3, were people living in the Sahara able to move around between regions, or were they confined to an enclave existence?

17. The Committee had already drawn attention to the obligation under article 4, to take legislative measures which it deemed especially important to prevent the dissemination of racist ideas and incitement to racial hatred. It should be recalled that the relevant articles of the Penal Code cited in paragraph 71 of the tenth periodic report did not have the effect of declaring illegal or prohibiting any propaganda organizations or activities and did not specify any punishment for offences. The legal provisions covering trade unions, laudable as they were, did not seem to prescribe any punishment for incitement to racial discrimination. In that regard, it was useful to bear in mind General Recommendation VII, which stressed the mandatory character of article 4.

18. The civil, political, economic and social rights under article 5 had been curbed, probably because of Islamist extremist activities. The independence of the judiciary was guaranteed, but additional information was needed on the revision of the judiciary regulations announced by Algeria to the Human Rights Committee, as well as on the training and political rights of judges and the establishment, membership and powers of the National Committee against Torture and the Constitutional Council. Was the Berber community benefiting from training programmes organized for Arabic-speaking trainee magistrates? During their training period, were they made conversant with the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention?

19. The other civil, political, economic, social and cultural rights enunciated in article 5 were theoretically protected in Algeria but, according to such reliable sources as the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on that question, the Special Rapporteur on torture, the organizations Europa and Amnesty International, the newspaper Egyptian Gazette, and the radio stations Radio Alger and BBC Monitor, theory had no bearing on reality. Arbitrary detentions, disappearances and torture were being practised by the Algerian forces and Islamist extremists. The Special Rapporteur on torture had also reported on cases of the torture of detainees - with the use of such methods as the chiffon, blowtorch and electric shock. According to the Special Rapporteur on extrajudicial, summary and arbitrary executions, there were many such cases. Admittedly, the special courts established to try cases involving "terrorism and sabotage" had been abolished and the presumption of innocence was guaranteed by the Constitution, as was the right of defence. However, according to Amnesty International, the security forces had killed thousands of people, many of them extrajudicially; hundreds of people had been arrested and had subsequently disappeared, and allegations of torture and ill-treatment were not investigated.

20. In view of President Zeroual's policy of dialogue, was there any possibility of commuting the death sentences of more than 1,000 Islamic fundamentalists to life imprisonment? Was the age of criminal responsibility still 16, whereas in 1993 it had been 18? Did the Government plan to repeal the state of emergency declared in 1992, theoretically lifted in 1996 but then incorporated into permanent legislation; and what rights had ceased to be protected as a result? Protection of the civil rights proclaimed in article 5 (d) of the Convention did not seem to have improved in the slightest: some journalists had been placed under "judicial control"; travel in the south was subject to restrictions; it appeared that the right to Algerian nationality was not automatically guaranteed to the children of foreigners who married Algerian citizens; the provisions on marriage and the family seemed clearly unfavourable to women, who were still supposed to provide a dowry and could not marry non-Muslims, whereas men could; and women also remained under the legal guardianship of their husband or a male relative.

21. With the agrarian revolution, and particularly the redistribution of State- and foreign-owned land, the Government had apparently intended to guarantee everyone the right to property, but in fact, it was not actually known who had benefited from the redistribution of land nor how the lives of the nomads had been affected.

22. With regard to freedom of religion, she referred to the seven Trappist monks who had been abducted from their Algerian monastery by the GIA, which had vowed to eradicate all "Jews, Christians and polytheists" in Algeria, and to the 116 foreign nationals who had been killed by Islamic extremists since 1993, along with the Bishop of Oran, Pierre Clavère. Those tragedies had occurred despite the President's promise to restore order through dialogue and reforms.

23. Freedom of the press was far from a reality. The authorities prevented the publication of certain types of information - including information on

security, human rights or civil disturbances - and protected members of the Government from criticism. Dozens of journalists had been murdered since 1993. Had the Government made any efforts to identify the perpetrators? Did it provide any specific protection for journalists?

24. The protection of the economic, social and cultural rights enunciated under article 5 (3) was also cause for concern. Unemployment was rising, and the agrarian reforms were having an adverse impact on the Berber and other minorities, who had been supplanted by a class of "vegetable millionaires" who had monopolized the supply of fresh vegetables. Algeria was going through a worsening housing crisis, and the Committee was unaware whether any plan existed to address the problem. As for health care and education, the health budget allocations would not meet the needs of the population, the pressure of the International Monetary Fund to do away with social security would have an adverse effect, and adult illiteracy - which was quite probably due to a high drop-out rate - had grown even worse. Algeria was nonetheless to be commended for its policy of promoting a multifaceted culture. In that regard, she would like to know more about the composition and activities of the National Cultural Council.

25. The implementation of article 6 was well explained in the tenth periodic report, but information was needed on the compensation of victims. Under article 7, the dissemination of information was not considered as the sole measure for combating racial discrimination. The struggle should also be waged in the fields of teaching, education and culture. In that connection, she referred to the Charter of the United Nations and the Universal Declaration of Human Rights, as well as the recommendations made in the context of the United Nations Decade for Human Rights Education, including the training of the judiciary, prison authorities and police - recommendations which also appeared in General Recommendation XIII of the Committee. She wondered what had been done in that regard. Lastly, she called on Algeria to publicize the Committee's recommendations in Arabic and in the minority languages and to pay its contribution under article 8, paragraph 6, of the Convention.

26. Mr. ABOUL-NASR said he wished to express reservations about the procedure followed by Mrs. Sadiq Ali. She had not sinned by omission - on the contrary. But the scope of her presentation to the Committee had been very broad because she had also touched on questions outside the Committee's competence, had expressed opinions of her own which could not commit the Committee and she had not restricted her information to sources that would have enabled her to take a different view of the problems she had mentioned. In particular, many national and regional human rights bodies had condemned the atrocities committed by the terrorists and had praised the efforts of the Algerian Government to put an end to the situation. The appointment of country rapporteurs was a practice he did not favour, and the presentation just made was a good example of how the practice could get out of hand. The Committee should discuss the matter thoroughly.

27. Mr. VALENCIA RODRIGUEZ thanked the representative of Algeria for the information he had provided to the Committee orally, and also thanked Mrs. Sadiq Ali for the enormous amount of work she had undertaken. With regard to the report under consideration, Algeria had adhered without

reservation to the objectives of the Convention and was attempting to fulfil its obligations thereunder. He welcomed the continuing process of democratization, as indicated in paragraph 2 of the report, and proposed that the process should be strengthened by a reaffirmation of measures to implement the Convention.

28. The information contained in paragraphs 3, 4 and 5 on the incorporation of the Convention in the Algerian Constitution and legislation was also welcome. He did, however, wonder whether, since the exclusion clause in the Elections Bill had been condemned as being contrary to the Convention, persons not of "original" Algerian nationality could stand for the office of President of the Republic. He would like a precise definition of that term.

29. The abolition of the discriminatory system set up during the colonial period, which classified the population according to pseudo-ethnic criteria, was gratifying. Had other criteria been applied in order to furnish the information requested by the Committee on the ethnic composition of the population? It was interesting to see the new criteria, mentioned in paragraph 13, whereby the Algerian personality was now recognized.

30. Fortunately, according to paragraph 15, measures had been taken to combat literature imported from abroad which carried anti-Semitic ideas and he asked what the results had been. As to paragraphs 21 et seq., he was pleased that Algeria had responded to Committee decision No. 3 of 10 March 1995 and had argued convincingly that, reprehensible as they were, the terrorist activities were not racist or xenophobic in nature.

31. He would like additional information on the nature of the amendments to the Penal Code and Code of Criminal Procedure, mentioned in paragraph 24, and wondered what impact they might have on minorities. With reference to paragraph 26, he also asked for more than mere figures on cases dealt with, judgements handed down, judgements pending and investigations under way.

32. Mr. WOLFRUM said he welcomed Algeria's report and the additional information provided by Mr. Dembri. Recalling, however, that under article 9 of the Convention, States parties were called upon to report not only on legislative measures but also on judicial, administrative or other measures undertaken to give effect to its provisions, he noted that the report had concentrated on the legislative measures. Article 9 was also very specific about "measures which give effect to" the Convention. Even if, according to paragraph 20 of the report, none of the legislative provisions violated the Convention - something the Committee did not doubt - the State party failed to mention which provisions were aimed at implementing the Convention.

33. During the consideration of Algeria's tenth periodic report, the Committee had raised certain questions which were in no way intended to accuse the State party, but to facilitate dialogue. Mrs. Sadiq Ali had made a remarkable effort to assess the human rights situation in Algeria and the points she had raised deserved a reply. He shared her concerns with regard to the nomadic communities.

34. Referring to paragraph 4 of the report, he said that, by making the Convention an integral part of Algerian legislation since 14 February 1972, Algeria had displayed a very modern outlook. He would like more information on cases in which international law had played a role in Algeria.

35. The information furnished in paragraph 15 on literature imported from abroad concerned the implementation of article 4 of the Convention. Which provisions of the Penal Code covered such literature and the authors, and what actions could be or had been brought against them?

36. With respect to the implementation of article 5, covered in paragraphs 21 et seq. of the report, one important issue which had not been touched upon - the incorporation of the Convention into labour law. Admittedly, it was a big problem in many countries, but given the prevailing unemployment it was legitimate to ask whether members of minorities had the same opportunities as others to find a job.

37. The report did not contain any new information on the situation of the Berber populations. To what extent were the authorities paying attention to that situation? Were schoolchildren told the origins of the Algerian people? The nomads were certainly not a different ethnic group and he would like to know whether their way of life was protected and whether positive action was taken so they could carry on their way of life.

38. Mr. de GOUTTES said he welcomed the Government's willingness to keep up the dialogue with the Committee, despite the enormous difficulties the country was facing. The situation in Algeria was much more complex than was shown in the media: the problem could not be boiled down to a straightforward conflict between the State authorities and the Islamic fundamentalists and extremists. Many other factors were involved, including conflicts stemming from the country's recent history, family and other forms of vengeance, the persistence of tribal conflicts and organized crime. The report was certainly interesting, but it was too short and general and did not deal sufficiently with the concrete implementation of the provisions of the Convention within the present context, which was an exceptionally difficult one.

39. Paragraph 13 stated that "Since Algeria attained its independence, censuses have no longer been carried out on the basis of ethnic, religious or linguistic criteria". Nonetheless, the Committee needed to know what the ethnic composition of the country was. During the consideration of the tenth periodic report, the Committee had asked for the next report to contain demographic and statistical data to fill out the social indicators, reflecting in particular the situation of the ethnic and racial groups, including the Berbers and the blacks. Furthermore, according to a document of the Berber Cultural Movement, the Constitution did not recognize Berber identity, the Berber language was taught only in pilot schools, legislation allowed for incitement to ethnic and racial discrimination in public places and even in the media, and no member of the Jewish-Berber or Berber-Christian communities had filled a high-level government post. The delegation should explain its position on that document.

40. The assertion in paragraph 15 of the report that there was a total absence of racial discrimination in Algeria was not in conformity with the assertion, continually reiterated by the Committee, that no country was free of racial discrimination. Every Government must take the appropriate steps, at least for preventive purposes, to combat the phenomenon. Criminal law was not only meant to punish; it also had a preventive and didactic role for the population. The Government should therefore provide details on current provisions for penalizing racist acts, under article 4 of the Convention, taking account of the amendments cited in paragraph 19 of the twelfth periodic report. The next report should also contain information on complaints, prosecutions, sentences and compensation for racist acts. An absence of complaints was not necessarily a positive indicator and could reflect the population's ignorance of their rights, a lack of confidence in the police and system of justice or a lack of interest by the authorities in prosecuting such offences.

41. According to paragraph 22 of the report, violence against foreigners was neither racially nor ethnically inspired. He found it difficult to take that statement at face value. Some NGOs, including Amnesty International, maintained that killings of foreigners had not led to exhaustive inquiries. Those NGOs had also spoken of difficulties in conducting investigations at the sites of massacres and human rights violations.

42. Mr. GARVALOV said that, although human rights were universal, the human rights situation in each country should nevertheless be considered in the light of particular circumstances. If it were possible to talk about extenuating circumstances, that certainly applied to Algeria, which was going through enormous difficulties. Nevertheless, the report had not been prepared in accordance with the Committee's guidelines. The lack of information on articles 3, 4, 6 and 7 was regrettable, especially because of the State party's exemplary anti-apartheid work within the United Nations.

43. He was surprised by the use of the word "differentiation" in the last sentence of paragraph 7, according to which the Muslim religion condemned racial, tribal, ethnic or linguistic differentiation. What should be condemned was discrimination, not distinctions, which were a reality in every country. Paragraph 15 stated that "Practices constituting racial discrimination are unknown in Algeria". No country was free of discrimination, however. If that statement were really true, would the Berbers have protested for more than a year that their language was not being taught in the schools? Why had the Government in 1995 created an Office of the High Commissioner on Amazighe Status?

44. According to paragraph 19, the Penal Code and Code of Criminal Procedure had been amended. How and to what extent had that been done, and what were the direct consequences of those amendments with respect to the Convention? Paragraph 22 stated that the Committee's decision No. 3 of 10 March 1995 constituted an over-hasty judgement. Events in Algeria since 1995, however, proved that the Committee had been right. Furthermore, the GIA actually had declared in 1994 its intention to eliminate all Jews and Christians in Algeria.

45. Lastly, he welcomed the frankness and honesty with which, in paragraphs 28 and 29, the Government recognized the situation prevailing in Algeria and thanked the Government for continuing its dialogue with the Committee.

46. Mr. van BOVEN said Algeria's report was at the very least incomplete and he hoped the next report would be more detailed and in conformity with the Committee's guidelines. He shared Mr. Garvalov's view that the Committee decision referred to in paragraphs 21 and 22 did not constitute a hasty judgement. He associated himself with the additional questions raised by Mrs. Sadiq Ali, particularly with regard to the Berber community, especially since the information provided in paragraph 11 was inadequate. He approved of her broad interpretation of the Committee's mandate and endorsed her observations on the importance of training law enforcement officers, in conformity with General Recommendation XIII.

47. General Recommendation XVII related to the need to promote the Convention at the national level. Since Algeria had, in 1989, made the declaration under article 14, how many Algerians were aware of the remedies available to them under the Convention? The Committee had not in fact received any communications from Algerian citizens or any other individuals under Algerian jurisdiction. It was his hope that Algeria would join those countries that had accepted the amendment to article 8, paragraph 6, aimed at providing the Committee with greater financial security.

48. Mr. AHMADU said the consideration of State party reports should in no way resemble an inquisition. The key word was "dialogue", and it would be good if the positive aspects of the reports were highlighted, as well as any causes for concern. Algeria was a very important Arab African country which, in identifying itself with the rest of the continent, had devoted itself to the liberation of other countries from all forms of domination: apartheid, colonization, economic domination and so forth. Since 1992, the country had been facing enormous difficulties, which could in fact occur anywhere, and the Government deserved recognition for its efforts in that regard.

49. Far from advocating "ethnic demographics", he still believed that the situation of the main ethnic groups, particularly those of a different skin colour, should be dealt with in different paragraphs or chapters of the report. If minorities were considered to exist, there must be cases of discrimination. In fact, during its most recent exchange with the State party, the Committee had asked for clarification on the place of the Berber population within Algerian society, in terms of identity, language, participation in public life and the social rights covered by article 5. He would like more information on the subject, and also wished to know whether Algeria recognized the principle of dual nationality.

50. Mr. CHIGOVERA said the statement in paragraph 4 that the Convention was an integral part of Algerian legislation and that its provisions could be invoked by individuals and bodies corporate before the courts did not release the State party from its obligation under the Convention to take specific measures to combat racial discrimination. He therefore asked for clarification on the practical implementation of the Convention.

51. With reference to paragraph 9, according to which the public authorities refused to conduct censuses on the basis of linguistic, religious or racial criteria, he doubted whether it was possible adequately to protect the rights of minority groups without identifying those groups.

52. According to paragraph 10, Islam was the religion of the State. What effect did that have on the status of other religions? Were mixed marriages possible? If so, did spouses enjoy equal rights in regard to inheritance or in cases of divorce?

53. Mr. SHAHI, referring to paragraph 4 of the report and article 9 of the Convention, said he would like further information on legislative, judicial, administrative or other measures adopted to give effect to the provisions of the Convention.

54. Paragraph 17 said that the Civil Code, the Penal Code, the Code of Criminal Procedure and various other codes were inspired by the Napoleonic Code and based on the principle of equality between citizens. Which provisions of the Civil Code and Penal Code, in particular, penalized the dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination, in keeping with the terms of article 4 of the Convention?

55. In relation to article 5 of the Convention, whereby States parties undertook to prohibit and to eliminate racial discrimination and guarantee the right of everyone to equality before the law, particularly in the enjoyment of civil and political rights, information was lacking on the effective exercise of those rights by the various groups of the population. According to the previous report, the Algerian population was homogeneous. The report under consideration, however, asserted that, apart from its Arab and Muslim culture, Algeria was based on an Amazighe, African and Mediterranean substratum. Paragraph 21 of document CERD/C/SR.963 stated that there were ethnic populations in Algeria that claimed to be descended from tribes of great antiquity outside the mainstream of the great civilizations of the Mediterranean region. Hence there was ethnic diversity. In the circumstances, he would like to know to what extent the Amazighe participated in public life and whether they exercised their political, social and cultural rights like the rest of the population. He also wanted more information on the role of the Office of the High Commissioner on Amazighe Status and to know whether the Commissioner was able to protect the fundamental rights of the community concerned. It was gratifying that, as indicated in paragraph 12 of the report, the Christian and Jewish communities enjoyed freedom of religious practice.

56. Paragraph 26 of the report furnished information on the number of cases of terrorism before the courts involving foreign victims. What about victims, if any, who were members of other groups?

57. Some of the Committee's questions to the delegation during the consideration of the tenth periodic report were still unanswered. The Committee had asked, among other things, whether public officials had the right to belong to political parties. If so, were they required to be impartial when they had to decide on administrative or other matters?

58. In the tenth report, reference had been made to the National Human Rights Commission, but no information was provided on it in the twelfth report. He therefore asked for clarification on the Commission's actions to combat human rights violations.

59. Lastly, he welcomed the fact that Algeria had recognized the competence of the Committee to receive and consider communications from individuals claiming to be victims of a violation of any of the rights set forth in the Convention.

60. Mr. SHERIFIS said he hoped that, despite the acts of violence and terrorism, the Government could restore peace by respecting democratic principles as well as the human rights and freedoms of all. Algeria was to be commended for being among the small number of States to have recognized the Committee's competence to receive and consider communications under article 14 of the Convention. He would like to know whether Algeria had begun the process of accepting the amendments to article 8 of the Convention on financing the expenses of Committee members. Those amendments had been adopted by the General Assembly, but to date only 23 countries had accepted them, whereas at least 100 countries were needed for them to enter into force.

61. During its consideration of the tenth periodic report, the Committee had expressed the wish that the next report should contain more demographic and statistical data. In that regard, the twelfth report was still too succinct.

62. Paragraph 14, stated that the Algerian Government was implementing an active policy of support for measures aimed at combating, internationally, all forms of racial or religious discrimination. However, the Government did not set enough store by its action: in many international forums, from the General Assembly to the Movement of Non-Aligned Countries, Algeria had waged an exemplary war against apartheid. It therefore seemed unfair to say, as one NGO had done, that the sole purpose of the Government's policy against all forms of racial or religious discrimination was to divert international opinion from other issues.

63. He would like additional information on the status of the French language in Algeria. English seemed to have replaced French in the education system.

64. With regard to paragraph 22 (a) of the report, the Government was wrong to claim that, by referring to article 5 (b) of the Convention, the Committee had concluded too hastily that there had been a violation of its provisions by the State or by individuals. However, it might just be a matter of the English translation of the phrase in question, namely "the reference to article 5 (b) constitutes an over-hasty judgement ...".

65. He asked for more information on the implementation of article 7 of the Convention and on General Recommendation V, in which the Committee urged States parties to provide information on immediate and effective measures they had taken to promote the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Elimination of All Forms of Racial Discrimination and the Convention.

66. Mr. YUTZIS, referring to paragraph 9 of the report, said that, while the colonial regime had in fact established a discriminatory system in Algeria - which was what all colonial Powers did - it was not true that the classification of the population established by that regime and cited in that paragraph was completely false. The Tuaregs were indeed a quite special group marked by a long historical tradition.

67. Paragraph 13 indicated that, since independence, censuses had no longer been carried out on the basis of ethnic, religious or linguistic criteria. He wondered whether the Government had not, consciously or unconsciously, adopted a policy of not defending groups with particular historical traits. In his opinion, a country's national unity could be achieved by the promotion and recognition of groups with characteristics of their own

68. He wondered whether the reference in paragraph 7 to racial, tribal, ethnic or linguistic differentiation should be taken to mean that Islam condemned racial distinctions in themselves, or racial distinctions that entailed discrimination.

69. According to paragraph 12, article 77 of the Information Act established penalties for anyone who, through writing, sound, image, drawing or any other direct or indirect means, insulted Islam and the other "celestial" religions. Religions that were not celestial should also be protected, since they were part of the identity of ethnic groups. Lastly, he was not convinced that the latest attacks and massacres perpetrated by terrorist groups were directed solely at foreigners. The Algerian people were also paying the price for those blind terrorist acts. It was his hope that Algeria would be able to resolve that difficult and complex problem.

70. The CHAIRMAN invited the delegation of Algeria to reply to the questions raised by members at the next meeting or to let the Government do so in writing in its next report.

The meeting rose at 6.10 p.m.